

REMARKS/ARGUMENTS

Claims 40 – 70 are in the application. Claim 52 has been amended to remove a typographical error. Claims 67 – 70 are new. Reconsideration is respectfully requested.

Restriction Requirement

Applicant notes that in addition to electing claims identified as Group I, a traversal of the original restriction requirement was made. In that traversal, applicant noted that independent claim 63 of Group II defines a method whereby a plurality of enclosed room modules are provided for cantilevered attachment to a support module.

In comparing claim Groups I and II, applicant submitted that there exists between those claim groups a technical relationship involving one or more of the same or corresponding special technical features, such as the cantilevered attachment of the room modules to the support module. The recitation in dependent claim 64 of a particularly preferred way of attaching a room module to a support module does not negate the presence of the special technical features present between the two claims groups identified in the restriction requirement.

Applicant notes that the Examiner has not addressed the merits of the traversal of the restriction requirement. Thus, applicant respectfully requests such consideration so that the requirement may be timely petitioned if need be. Applicant believes, however, that once the claim term “cantilevered” is given due consideration (as discussed more below), the technical feature present between the claims groups will become evident, and therefore, the restriction requirement may be withdrawn.

Claim Rejections Under 35 USC § 102

Claims 40 – 42, 51 – 55, 58, 59, 62 and 66 were rejected as anticipated by Sing, US Patent No. 4,766,708.

As respects claims 40, 62, 63, 66, 67, and 69, applicant notes that each of these claims calls for cantilevered attachment of a room module to the support module. For example, in claim 40, the claimed room module is, among other things, “*cantilevered from the support module.*” Applicant submits that the pertinent definition of the term “cantilever” (noun) means “a projecting

structure, such as a beam, that is supported at only one end.”¹ In the context of the present claims, therefore, applicant submits that the term “cantilevered” (verb) should be construed in its ordinary meaning such that a room module is supported at only one end by the support module. Such is clearly not the case in Sing.

Sing makes no disclosure of room modules that are independently attachable to and cantilevered from the support module. The “room” modules 42 identified in Sing are all supported by isolators 66 that are distributed across the entire area of the bottom of each room module, as can be clearly seen in, for example, Figs. 3 and 9 of Sing. Specifically, Sing points out that its living modules 42 are placed in the frame 22 (the frame being what the Examiner identifies as the claimed support module). A plurality of isolators 66 extend from the frame “to contact every exterior surface of unit 42.”²

Applicant submits that a fair reading of Sing shows that the notion of cantilevered modules 42 is not at all contemplated there. Accordingly, Sing does not anticipate independent claims 40, 62, 63, 66, or 69 or the claims depending therefrom. As noted in MPEP § 2131: “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).)

It is also clear that Sing does not suggest cantilevered attachment of a room module to a support module. In this regard, cantilevered attachment of a room module to the support module removes the need for a supporting frame to be located around the room module itself, thus reducing the size, weight and cost of the supporting structure. It can clearly be seen from Fig. 1 that Sing provides a sturdy supporting frame that surrounds the room modules and is required to support the room modules in the described manner. This sturdy, surrounding frame makes the support structure very large.

Sing is directed to the provision of building structures that are resistant to substantial shocks arising, for example, from earthquakes. In such circumstances, supporting of the room modules as fully as possible (and not just at one end) would appear to be desirable, and it is submitted that a

¹ Excerpted from *The American Heritage Dictionary of the English Language, Third Edition* Copyright © 1992 by Houghton Mifflin Company.

² Col. 4, lines 40 – 42.

skilled person reading the disclosure of Sing would be positively discouraged from removing any support from the room modules to arrive at the claimed cantilevered room modules.

In short, none of the prior art documents, either individually or in any combination, suggest what is defined in claims 40 – 70.

Conclusion

In view of the foregoing, applicant submits that all of the present claims are in condition for allowance, and an early notification to that effect is respectfully requested. If the Examiner has any questions, she is invited to contact applicant's attorney at the below-listed telephone number.

Respectfully submitted,
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